

REMARKS/ARGUMENTS

At the outset, Applicant appreciates the thorough review and consideration of the subject application. The Final Office Action of August 21, 2008 has been received and its contents carefully noted. By this Amendment, claims 1 and 4-11 have been amended. The abstract and specification have also been amended. Accordingly, claims 1-14 are currently pending in the application. Support for these amendments is provided in at least Figures 1-5 and related text of the specification. No new matter has been added. Reconsideration of the rejected claims in view of the above amendments and the following remarks is respectfully requested.

Entry of this Amendment is respectfully requested because it places the present application in condition for allowance, or in the alternative, better form for appeal. In view of the above amendments and the following remarks, Applicant respectfully requests reconsideration and timely withdrawal of the pending objections and rejections for the reasons discussed below.

Allowable Subject Matter

Applicant appreciates the indication of allowable subject matter, in particular, the objection to claim 14 as being dependent upon a rejected base claim, but that it would be allowable if rewritten in independent form including all the limitations of the base claims and any intervening claims.

Drawing Objection

In the Office Action, the drawings were objected to as containing unlabeled rectangular boxes. Applicant respectfully requests clarification of the drawing objection. In particular, which Figure(s) and boxes the Examiner is requiring be clarified. Moreover, Applicant also respectfully submits the drawings are in full compliance with the code of federal regulations. Accordingly, Applicant respectfully requests withdrawal of the drawing objection.

Rejections Under 35 U.S.C. § 102

Claims 1-13 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent Application Publication No. 2004/0028121 issued to Fitton ("Fitton"). Applicant respectfully traverses this rejection for at least the following reasons.

The Office has failed to establish a prima facie case of anticipation. A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of the claimed invention is identically shown in that single reference, arranged as they are in the claims. MPEP § 2131; *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566,1567 (Fed. Cir. 1990). Anticipation is only shown where each and every limitation of the claimed invention is found in a single prior art reference. MPEP § 2131; *In re Donohue*, 766 F.2d 531, 534, 15 U.S.P.Q.2d 619,621 (Fed. Cir. 1985).

More specifically, independent claim 1 is allowable as it recites a combination of features, including, *inter alia*, a means for unscrambling data or a subtracter means being placed before the unscrambling means. The Office purports these features are taught in paragraphs 11 and 78 of Fitton with reference to Figure 4. In contrast to the Office's assertion, paragraphs 11 and 78 do not discuss a means for unscrambling data. Rather, paragraph 11 discloses Orthogonal Variable Spreading Factor (OVSF) and scrambling code. Moreover, paragraph 78 discloses scrambling codes. Clearly, these two paragraphs do not anticipate the above-identified features. Moreover, there is also no teaching of a subtracter means placed before the unscrambling means at least because the Office has failed to identify an unscrambling means. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 102(e) rejection of claims 1-3 and 8-10.

Independent claim 11 is allowable as it recites a combination of features, including, *inter alia*, an unscrambler to receive and unscramble the corrected output to provide an unscrambled output for similar reasons as discussed herein.

In addition, there is no teaching or suggestion of "each of a plurality of paths in the rake finger, an interference estimator to determine the interference in the path ...a subtracter to subtract the added interferences from the received data signal to provide a corrected output corresponding to the received data signal with the interferences subtracted therefrom" as recited in claim 11. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 102(e) rejection of claims 11-13.

Independent claim 4 is allowable as it recites a combination of features, including, *inter alia*, unscrambling the user data received via the rake finger for similar reasons as discussed above. In addition, there is no teaching or suggestion of subtracting the evaluation of interference to include "subtracting the evaluation of interference from the received user data in the rake finger" as recited in claim 4. The Office fails to even address this limitation.

Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 102(e) rejection of claims 4-7.

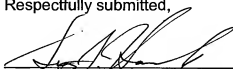
CONCLUSION

Applicant believes that a full and complete response has been made to the pending Office Action and respectfully submits that all of the stated objections and grounds for rejection have been overcome or rendered moot. Accordingly, Applicant respectfully submits that all pending claims are allowable and that the application is in condition for allowance. Should the Examiner feel that there are any issues outstanding after consideration of this Response, the Examiner is invited to contact the Applicant's undersigned representative at the number below to expedite prosecution. Prompt and favorable consideration of this Reply is respectfully requested.

No fee is believed due for this submittal. However, any fee deficiency associated with this submittal may be charged to Deposit Account No. 50-1123.

Respectfully submitted,

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